

Remarks

Claim 15 was cancelled in the Supplemental Examiner's Amendment mailed May 11, 2005. Claims 13, 17 to 19, and 21 are pending and under consideration in the application.

Interview Summary

The undersigned thanks Examiner Kim for the telephone interview on November 14, 2005. The following remarks provide the substance of that interview. Examiner Kim and the undersigned discussed the provisional obviousness-type double patenting rejection in the Action. Applicants pointed out that the U.S. patent application that the Examiner used as the basis for the double patenting rejection (U.S. Patent Application No. 10/669,281 ("the '281 application")) was abandoned without prejudice or disclaimer. Therefore, the provisional obviousness-type double patenting rejection should be withdrawn. The Examiner tentatively agreed to remove the provisional obviousness-type double patenting rejection.

Provisional Obviousness-type Double Patenting Rejection

The Examiner rejected claims 13, 17 to 19, and 21 under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 13 to 20 of published U.S. Patent Application No. 2004/0058873. Action at page 5, item 2.

As discussed in the Interview Summary above, published U.S. Patent Application No. 2004/0058873 corresponds to the '281 application. The '281 application was

abandoned without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of the abandoned claims of the '281 application in a related application. Because the '281 application was abandoned without prejudice or disclaimer, applicants assert that the obviousness-type double patenting rejection should be withdrawn. Applicants request reconsideration and withdrawal of the obviousness-type double patenting rejection.

Applicants respectfully assert that the application is in condition for allowance and request issuance of a Notice of Allowance. If the Examiner does not consider the application to be in condition for allowance, applicants request that she call the undersigned at (650) 849-6658 to set up an interview.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 17, 2005

By: 

Michael R. Albrecht
Reg. No. 54,956
Customer No. 22,852